



1927

## Indices to Volume 15

Kentucky Law Journal

Follow this and additional works at: <https://uknowledge.uky.edu/klj>

**Right click to open a feedback form in a new tab to let us know how this document benefits you.**

### Recommended Citation

Kentucky Law Journal (1927) "Indices to Volume 15," *Kentucky Law Journal*: Vol. 15 : Iss. 4 , Article 9.

Available at: <https://uknowledge.uky.edu/klj/vol15/iss4/9>

This Table of Contents is brought to you for free and open access by the Law Journals at UKnowledge. It has been accepted for inclusion in Kentucky Law Journal by an authorized editor of UKnowledge. For more information, please contact [UKnowledge@lsu.uky.edu](mailto:UKnowledge@lsu.uky.edu).

## TITLE INDEX TO LEADING ARTICLES

	Page
Benefit of Clergy—Newman F. Baker.....	85
International Extradition—H. H. Grooms.....	30
Law of Co-Operative Marketing—Aaron Sapiro .....	1
Neutral Convoy in the World War—A. Vandenbosch.....	316
Our Dual Form of Government—Hugh E. Willis .....	175
Power of a Municipality to Abandon a Public Way—J. B. Johnson .....	187
Rights and Duties of Aliens—Boyd L. Bailey .....	196
Some Modern Tendencies of the Law—Charles S. Whitman.....	128
State Control of Public School Curriculum—Charles J. Turck.....	277
The Four Constitutions of Kentucky—Richard Priest Dietzman.....	116
The Present World Court Situation—Thomas Walsh .....	299
The Uniform Mortgage Act—W. Lewis Roberts.....	22

## TITLE INDEX TO NOTES

Does the Place Where A Lost Article is Found Determine the Rights of the Finder?—Roy Moreland.....	225
Exposure to Unnecessary Danger in Sports and Pastimes—W. Lewis Roberts .....	221
Firm Notes with Individual Signatures of Partners—O. A. Wehle..	44
Former Jeopardy—L. H. Stevens .....	46
Liability of a Ball Club to a Spectator—George Ragland, Jr.....	142
Mechanics' Liens on Mortgaged Automobiles—Vert C. Fraser.....	216
Mechanics' Liens on Mortgaged Automobiles—Richard C. Stoll....	340
The Kentucky Rule Against Perpetuities—W. Lewis Roberts.....	345
The Work of the 1926 Legislature—Woodson D. Scott.....	52

## AUTHOR INDEX TO LEADING ARTICLES

Bailey, Boyd L.—Rights and Duties of Aliens.....	196
Baker, Newman F.—Benefit of Clergy .....	85
Dietzman, Richard Priest—The Four Constitutions of Kentucky..	116
Grooms, H. H.—International Extradition.....	30
Johnson, J. B.—Power of a Municipality to Abandon a Public Way .....	187
Roberts, W. Lewis—The Uniform Mortgage Act .....	22
Sapiro, Aaron—Law of Co-Operative Marketing .....	1
Turck, Charles J.—State Control of Public School Curriculum.....	277
Vandenbosch, A.—Neutral Convoy in the World War.....	316
Walsh, Thomas—The Present World Court Situation .....	299
Whitman, Charles S.—Some Modern Tendencies of the Law.....	128
Willis, Hugh E.—Our Dual Form of Government.....	176

## AUTHOR INDEX TO NOTES

Fraser, Vert C.—Mechanics' Liens on Mortgaged Automobiles.....	216
Moreland, Roy—Does the Place Where a Lost Article is Found Determine the Rights of the Finder? .....	225
Ragland, George, Jr.—Liability of a Ball Club to a Spectator.....	142
Roberts, W. Lewis—Exposure to Unnecessary Dangers in Sports and Pastimes .....	221
Roberts, W. Lewis—The Kentucky Rule Against Perpetuities.....	345
Scott, Woodson D.—The Work of the 1926 Legislature.....	52
Stevens, L. H.—Former Jeopardy .....	46
Stoll, Richard C.—Mechanics' Liens on Mortgaged Automobiles....	340
Wehle, O. A.—Firm Notes with Individual Signatures of Partners .....	44

## INDEX OF BOOK REVIEWS

	Page
Baldwin—Sumptuary Legislation and Personal Regulation in England .....	71
Beale—Cases on Federal Taxation .....	79
Brannon—The Negotiable Instruments Law Annotated .....	163
Briggs—The Doctrine of Continuous Voyage .....	265
Burdick—Law of Torts .....	370
Burdick—The Law of the American Constitution .....	373
Cook—Cases and Other Authorities on Equity .....	271
Cooley—Brief Making and the Use of Law Books .....	370
Ellingwood—Government and Labor .....	375
Gerstenberg—Constitutional Law .....	172
Hall—Cases on Constitutional Law with Supplement .....	273
Hamel—United States Board of Tax Appeals, Practice and Evidence .....	169
Hicks—Arguments and Addresses of Joseph Hodges Choate .....	371
Joslyn—Students' Manual of Bankruptcy Law and Practice .....	274
Lewis—Preparation and Construction of Wills .....	171
McCarty—Law Office Management .....	275
Medina—Cases on Federal Jurisdiction and Practice .....	168
Mercier—Criminal Responsibility .....	161
Merriam—New Aspects of Politics .....	81
Parks—Cases on the Law of Mortgages .....	165
Pomeroy—Specific Performance of Contracts .....	77
Rose—Jurisdiction and Procedure of the Federal Courts .....	166
Seymour—The Intimate Papers of Colonel House .....	168
Smith and Dowling—Cases on the Law of Public Utilities .....	270
Walsh—History of English and American Law .....	369
Willis—Introduction to Anglo-American Law .....	170

## INDEX TO SUBJECTS

ADVERSE POSSESSION	Page		Page
Extent of constructive adverse possession where one is in actual possession of a part of the land and claims under color of title .....	348	State may prohibit the use of the public highways for private business or grant the right of such use to one person and refuse it to another .....	351
AGRICULTURE		The duty of a driver to slacken speed when he is blinded by the lights of an approaching car .....	234
Violation of agreement by a member of a Co-Operative Association .....	231	CARRIERS	
AUTOMOBILES		Regulation of carrier that jewelry should not be enclosed in personal baggage or checked and its effect in excluding jewelry as baggage .....	353
Authority of a city to adopt a zoning ordinance regulating the location of filling stations .....	349	CHAMPERTY AND MAINTENANCE	
Liability of the head of a family under the family purpose doctrine for the negligence of a member of the family in operating an automobile for a family purpose .....	350	The validity of a conveyance of land held adversely under the Kentucky Statutes making a champertous conveyance void .....	235
Liability of a master for injuries caused by the negligence of his servant .....	55		

CONSTITUTIONAL LAW	
	Page
The power of a state legislature to prohibit the assignment of claims under Workmen's Compensation Acts .....	57
CORPORATIONS	
Enforcement of a judgment against a corporation against a vendee of the property of the corporation .....	58
Objection that an elevator company's contract lien for the storage of tank cars was ultra vires and its relation to unsecured subsequent creditors .....	354
CRIMINAL LAW	
Evidence in regard to bloodhounds used in trailing is not sufficient to qualify the bloodhounds whose trailing was offered in evidence .....	60
Liability of an aider and abettor of the crime of burning a house after the principal has been tried and acquitted .....	356
Plea of former jeopardy is available where an indictment was quashed which was sufficient to sustain a conviction .....	146
Petit jury is not required to have a foreman .....	236
The rights of an accused were denied and prejudiced where he was taken to jail when the jury retired and kept there until after the verdict was rendered, even though the attorney who represented him polled the jury .....	355
DEDICATION	
Right to use streets laid off in a new subdivision after the plat dedicating them to the public was recorded and the rights of a purchaser under a previous plat of the lot adjoining such street regardless of acceptance of the street by the municipality .....	358

DIVORCE	
	Page
Wife of an insane husband can sue for and obtain a divorce .....	238
DOWER	
Widow is entitled to assignment as dower in third of value of land .....	147
EJECTMENT	
Evidence of special master's deed does not trace title to the Commonwealth.....	239
EMINENT DOMAIN	
Extent and nature of the property right in a corpse	359
ESTOPPEL	
An after acquired title to church property not mentioned in deed passes to the subsequent purchaser of the land .....	240
EVIDENCE	
Layman can not diagnose disease or testify as an expert in reference thereto....	61
EXECUTORS AND ADMINISTRATORS	
Testator's debts can not be paid from legacies until his undivided real estate has been exhausted .....	62
EXPLOSIVES	
One who leaves explosives exposed on his premises is liable to children who are trespassers on the premises for injuries caused thereby .....	241
GAMING	
Conducting dog races within inclosed track and permitting wagers and conducting pools thereon is abatable as a nuisance .....	242
HOMICIDE	
Admissibility of decedent's statements made in extremis .....	360
An instruction to find both defendants guilty if either of them aided or abetted the actual killing is erroneous .....	244

## HUSBAND AND WIFE

	Page
A mortgage of a married woman, although acknowledged and subscribed by her husband, is void if his name does not appear in the body thereof .....	245

## INDEMNITY

Railroad is not in pari delicto with telephone company owning sagging cables that cause injury to an employee .....	148
---	-----

## INSANE PERSONS

Extent of implied obligation to pay for necessities furnished to a person of unsound mind .....	361
---	-----

## INSURANCE

Delivery of policy by company to their agent is the same in effect as delivery to the insured .....	63
Note for premiums on insurance policy is a part of the transaction and a provision therein is binding on the parties to the insurance policy .....	246

## JUDGMENT

Both the state and the officers of a municipality are bound by a judgment against the municipality involving a general public question affecting the delegated duties of the municipal officers .....	248
---	-----

## JURY

Completing a jury in a civil action by summoning bystanders .....	362
---	-----

## LICENSES

License tax ordinance classifying grocery stores and imposing a different tax on each class is discriminatory .....	65
---	----

## LIMITATION OF ACTION

Statute of limitations does not run against any of heirs to whom right of entry descends who are all under disability at the time until all of the disabilities are removed .....	250
---	-----

## MINES AND MINERALS

Lessees of one coal field not entitled to bring the coal to the surface from an adjoining lease and use the structures and equipment on the lessor's property to prepare it for the market .....	252
Measure of damages for mineral in place that is willfully removed without the knowledge or consent of the owner .....	363
Owner of a part of an oil or gas lease is entitled to damages from an adjoining owner whose failure to plug up abandoned wells caused water to get into plaintiff's oil .....	149
Where strict performance of a contract in the matter of making payment has been waived, an agreement to accept tardy payment in consideration of an additional payment is without consideration .....	251

## MUNICIPAL CORPORATIONS

Action can not be maintained by a taxpayer to enjoin the payment of salary to a municipal officer or city marshal on the ground that he is not eligible .....	152
City attorney appointed by the mayor is entitled to office .....	150
Liability of city for damages to land by flow of water caused by cleaning out a drain in the city is a question for the jury .....	254
A traveler who is injured by a defect in a servitude may sue the city or the abutting owner or he may join both in an action .....	66

## NEGLIGENCE

Infant chasing guineas released by a store for advertising purposes assumes all of the risks incident to the chase .....	254
Invantee distinguished from a trespasser and a licensee .....	67

	Page
Manufacturer of an inherently dangerous article is liable to the ultimate consumer for any injury resulting from negligence in manufacturing, packing or marketing the article.....	256

## NEW TRIAL

Taking of judgment against a pooler after leading him to believe that there would be a settlement of the claim against him without litigation was such fraud as will entitle him to a new trial.....	257
--	-----

## OFFICERS

Chief clerk of the House of Representatives is not within the prohibition against a change of salary during term of office and hence the act increasing his salary is valid .....	154
---	-----

## PARTNERSHIP

Partnership is result of the intention of the parties, who may be estopped by conduct to deny the relation .....	69
--	----

## PLEDGES

Pledge need not be in writing but there must be a delivery of the property pledged .....	70
--	----

## RAILROADS

One about to cross a railroad may rely upon the warning signal required to be given without stopping, looking and listening .....	258
---	-----

## SALES

Courts of Kentucky will recognize and enforce conditional sale contracts made in states where such contracts are upheld as valid .....	155
--	-----

## STATUTES

Statute prohibiting the employment of minors in street occupations in cities of second and third class is unconstitutional as local or special legislation.....	259
---	-----

## SUBSCRIPTION

	Page
A written instrument filed as an exhibit is not a subscription .....	71

## TAXATION

Freight cars on foreign railroads have not acquired a taxable situs so as to justify taxation within the state .....	153
Purchaser of property listed and sold by trustee acquires only a lien for the amount of the taxes, interest and penalties .....	260

## TRUSTS

Enforcement of parol agreement in consideration of conveyance to sell and divide proceeds among others is not prevented by the statute of frauds.....	261
---	-----

## VENDOR AND PURCHASER

Recovery of money paid by mutual mistake for a supposed quantity of land that did not exist .....	364
The purchaser may recover a deficiency in acreage when it is greater than ten per cent of the gross amount where the parties did not intend to risk more than the usual rate of the ordinary deficit allowable under statute.....	156

## WILLS

Devising of property to daughters for life and remainder over on the death of the survivor, clearly rebuts the presumption of a cross-remainder for life to the survivor .....	159
Estate created where granddaughters were devised the future absolute fee in half of the farm of the other if the other die without issue .....	158
Holographic will may be probated on evidence of a devisee without destroying the devise .....	157

	Page		Page
Undue influence is such as destroys the free agency of the testator and does not include that obtained by kindness or appeal to the feelings, understand- ing or affections which does not destroy the free agency .....	263	Validity of limitation over after devise in fee and after life estate .....	365
		WITNESSES	
		Competency of wife's testi- mony against her husband on issue of abandonment and on issue of cruel treat- ment .....	367

# TABLE OF CASES

	Page		Page
Anderson v. Simpson .....	159	Kelley v. Brack .....	155
Barnette v. Commonwealth .....	244	Kentucky Central Life & Accident Insurance Co. v. Pemberton .....	63
Beemon v. Utz .....	365	King v. King .....	238
Broadus & West v. Jackson .....	364	Lemaster v. Hudson, et al. ....	147
Carroll, et al. v. Fullerton .....	248	Lewis v. Durham .....	71
Cayce v. City of Hopkins- ville .....	349	Louisville & N. R. Co. v. Johnson .....	258
City of Ashland v. Kitchen Lumber Co. ....	66	McLeod Store v. Vinson .....	255
City of Danville, et al. v. The Quaker Maid, Inc. ....	65	McPherson, et ux. v. Black, et al. ....	237
Clore, et al. v. Argue, et al. ....	263	McWilliams v. Haverly .....	158
Coca-Cola Bottling Works v. Shelton .....	256	Middlesboro Telephone Co. v. Louisville & Nashville R. R. Co. ....	148
Coffee v. Owen's Adminis- trator .....	363	Moors, et al. v. Lackey Min- ing Co. ....	253
Commonwealth v. Jarrette .....	260	Myer's Co. v. Logue's Ad- ministrator .....	67
Commonwealth v. Union Pacific Ry. Co. ....	153	Newton v. Newton's Admin- istrator .....	261
Continental Insurance Co. v. Brown .....	263	Norfolk & Western Ry. Co. v. Jack Murphy, Adminis- trator of W. Murphy .....	58
Crider v. Kentinia-Corton Corporation .....	240	Palmer Corporation v. Col- lins .....	149
Cromwell, et al. v. Stevens, et al. ....	157	Pennsylvania Railroad Co. v. Kentucky Public Ele- vator Co. ....	354
Crump v. Commonwealth .....	263	People's Bank of Harris- ville v. Continental Sup- ply Co. ....	70
Dark Tobacco Growers' Co- Operative Association v. Bevins .....	257	Rauckhoist v. Kraut .....	350
Dark Tobacco Growers' Co- Operative Association v. Daniels .....	232	Rawles v. Jenkins .....	56
Davenport v. Anderson .....	252	Riddell v. Commonwealth .....	356
Downing v. Baucom's Ad- ministrator .....	234	Roy C. Wayne Supply Co. v. McGowan .....	69
Duncan v. Jenkins, et al. ....	245	Scott v. Commonwealth .....	233
Erlanger Kennel Club, et al. v. Daugherty, Attorney General .....	243	Shanks, Auditor v. Howes, Chief Clerk .....	154
Eastern Carbon Black Co. v. Stephen's Adminis- trator .....	241	Shawles v. Carter .....	261
Ellis v. Sparks .....	239	Sheets v. McDonald .....	156
Fleischmann Co. v. Howe .....	55	Smith v. Commonwealth .....	357
Fletch Smith and Elisha Short v. Commonwealth .....	361	Sovereign Camp W. O. W. v. Morris .....	61
Fullerton v. Mann .....	151	Spurlock v. Lafferty .....	152
Harrison, et al. v. Big Four Bus Lines .....	354	Stepp v. Stepp .....	348
Hays, et al. v. Common- wealth .....	60	Strode v. Strode .....	62
Hewling v. City of Fort Thomas .....	254	University of Louisville, et al. v. Metcalf .....	359
Holiday, et al. v. Tennis Coal Co. ....	235	Volpenheim, et al. v. Wester- field .....	358
Illinois Central Ry. Co. v. Fontaine .....	353	Wermiling v. Wermiling .....	367
Jim Thompson Coal Co., et al. v. Dentzell .....	363	Wilcox, et al. v. Sams, et al. ....	250
		Wilson & Tucker v. Com- monwealth .....	146
		Workmen's Compensation Board of Kentucky v. Ab- bott .....	57



